
HOUSE BILL No. 1515

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-41-1-18.2; IC 35-48-4.

Synopsis: Manufacturing methamphetamine; controlled substance waste. Enhances the penalty for dumping controlled substance waste and for manufacturing methamphetamine if the crimes are committed in a location accessible to children.

Effective: July 1, 2007.

Bell

January 23, 2007, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1515

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-41-1-18.2 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2007]: **Sec. 18.2. "Location accessible to**
4 **children" means any location, including a park, school, building,**
5 **residence, or vehicle:**

6 **(1) where a child less than eighteen (18) years of age is**
7 **present; or**

8 **(2) to which a child less than eighteen (18) years of age has**
9 **access.**

10 SECTION 2. IC 35-48-4-1.1, AS ADDED BY P.L.151-2006,
11 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2007]: Sec. 1.1. (a) A person who:

13 (1) knowingly or intentionally:

14 (A) manufactures;

15 (B) finances the manufacture of;

16 (C) delivers; or

17 (D) finances the delivery of;



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methamphetamine, pure or adulterated; or
 (2) possesses, with intent to:
 (A) manufacture;
 (B) finance the manufacture of;
 (C) deliver; or
 (D) finance the delivery of;
 methamphetamine, pure or adulterated;
 commits dealing in methamphetamine, a Class B felony, except as
 provided in subsection (b).

(b) The offense is a Class A felony if:

(1) the amount of the drug involved weighs three (3) grams or
 more;

(2) the person:

(A) delivered; or

(B) financed the delivery of;

the drug to a person under eighteen (18) years of age at least three

(3) years junior to the person; or

(3) the person manufactured, delivered, or financed the delivery
 of the drug:

(A) on a school bus; or

(B) in, on, or within one thousand (1,000) feet of:

(i) school property;

(ii) a public park;

(iii) a family housing complex; or

(iv) a youth program center; or

**(4) the person manufactured the drug in a location accessible
 to children.**

SECTION 3. IC 35-48-4-4.1 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4.1. (a) A person who
 dumps, discharges, discards, transports, or otherwise disposes of:

(1) chemicals, knowing the chemicals were used in the illegal
 manufacture of a controlled substance or an immediate precursor;
 or

(2) waste, knowing that the waste was produced from the illegal
 manufacture of a controlled substance or an immediate precursor;

commits dumping controlled substance waste, a Class D felony.

**However, the offense is a Class C felony if it is committed in a
 location accessible to children.**

(b) It is not a defense in a prosecution under subsection (a) that the
 person did not manufacture the controlled substance or immediate
 precursor.

SECTION 4. [EFFECTIVE JULY 1, 2007] IC 35-48-4-1.1 and

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1 **IC 35-48-4-4.1, both as amended by this act, apply only to crimes**
2 **committed after June 30, 2007.**

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